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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH
PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION
UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Chernichenko, Mr. El-Hajje, Mrs. Forero Ucros,
Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim,
and Mrs. Palley: draft resolution

Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the
Universal Declaration of Human Rights and the other international human rights
instruments, as well as by the relevant norms and principles of international
humanitarian law,

Recalling its resolution 1993/16 of 20 August 1993,

Bearing in mind that, in its resolution 1994/58 of 4 March 1994, the
Commission on Human Rights took note with appreciation of the report by the

independent expert on the situation of human rights in Guatemala, Ms. Mónica Pinto (E/CN.4/1994/10), which contains important recommendations to improve the human rights situation in the country,

Taking note with satisfaction of the signing of the agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Having considered the Framework Agreement for the Resumption of the Negotiating Process for a Firm and Lasting Peace between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, signed in Mexico on 10 January 1994,

Recalling further that the Parties agreed in the Framework Agreement that all their agreements should be accompanied by appropriate verification mechanisms at both the national and the international levels, and that the United Nations will be responsible for such international mechanisms,

Emphasizing the importance of the signing of the Comprehensive Agreement on Human Rights, the Agreement on a Timetable for a Firm and Lasting Peace, the Agreement for the Resettlement of the Populations Uprooted by the Armed Confrontation and the Agreement on the Establishment of the Commission to Investigate Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan Population, signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, the first two in Mexico on 29 March 1994 and the third and fourth in Oslo on 17 and 20 June 1994, respectively,

Taking into consideration that, in the Comprehensive Agreement on Human Rights, the parties request the Secretary-General to organize a mission for the verification of compliance with commitments contained in the Agreement,

Mindful of the importance of the role to be played by the Assembly of Civil Society, provided for in the Framework Agreement, in making recommendations to the Parties on the most important points of the negotiations, including those relating to the identity and rights of indigenous peoples,

Concerned because, more than four months after the signing of the Comprehensive Agreement on Human Rights, the above-mentioned United Nations verification mission has still not been established,

Concerned that there continue to be complaints about human rights violations, despite the signing of the agreements, frequently attributed to members of the armed forces and the security forces, as well as the so-called voluntary civil self-defence committees,

Concerned also at the fact that cases of impunity continue to exist and little progress has been made in the investigations and judicial proceedings concerning cases of human rights violations,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict, as well as the extremely difficult conditions in which returnees are living,

Distressed at the persistence of the age-old marginalization and discrimination suffered by the indigenous populations in Guatemala,

1. Expresses its support for the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, as well as the United Nations Moderator, for their endeavours to secure a firm and lasting peace;

2. Expresses its firm support for the independent expert responsible for reporting on the situation of human rights in Guatemala, Ms. Mónica Pinto, and requests the Government of Guatemala to continue to cooperate fully with her;

3. Expresses its concern at the fact that the signing of the Comprehensive Agreement on Human Rights has not led to an improvement in the human rights situation;

4. Exhorts the Government of Guatemala to intensify its efforts to guarantee full respect for human rights by all the authorities, the armed and security forces and to bring to trial anyone guilty of serious violations of human rights and guarantee proper functioning of the administration of justice;

5. Requests the Government of Guatemala, as soon as possible, to increase economic and social development programmes and to strengthen in particular policies and programmes concerning the indigenous population, promoting its full participation, taking into account its proposals and respecting the country's multicultural nature;

6. Requests all the Parties to proceed to fulfil the commitments entered into and in particular requests the Government to implement the Comprehensive Agreement on Human Rights, which has been in force since 29 March 1994, and any

other immediately applicable provision, as well as to prepare the urgent and necessary conditions for prompt implementation of the other agreements, once the Firm and Lasting Peace Agreement is signed;

7. Appeals, to this end, to the Secretary-General for him, by every means at his disposal, to ensure the establishment, as soon as possible, of the United Nations Verification Mission in Guatemala;

8. Requests the Parties to take into special account, for the purposes of future agreements, the proposals agreed on by the Assembly of Civil Society and encourages the Assembly to continue its constructive work in finding consensus for the necessary transformation of the Guatemalan State and in society, in particular in all matters pertaining to full realization of the civil, political, economic, social and cultural rights of the entire population.
